



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 27, 2004

Michael Evans, President  
Associated Plating Company, Inc.  
9636 Ann Street  
Santa Fe Springs, CA 90670

Re: Request for Information, Omega Superfund Site, Whittier, CA

Dear Mr. Evans:

A General Notice Letter was previously issued by the United States Environmental Protection Agency ("EPA") that provided notice of Specific Plating Company, Inc.'s potential liability under the Comprehensive Environmental Response Compensation Liability Act ("CERCLA"), as amended, at the Omega Chemical Superfund Site (the "Site"). The purpose of this letter is to request information you may have pertaining to this Site.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of CERCLA, 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).


Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

Linda Ketellapper, SFD-7-B  
U.S. Environmental Protection Agency, Region IX  
Superfund Division  
75 Hawthorne Street,  
San Francisco, CA 94105

Your response should include the appropriate name, address and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Thanne Cox, Assistant Regional Counsel, at (415) 972-3908 or Linda Ketellapper, Case Developer, at (415) 972-3104.

We appreciate and look forward to your prompt response to this information request.

Sincerely,  
  
Frederick Schaffler, Chief  
Site Cleanup Section Four  
Superfund Division

Enclosures

cc: Randy Stein, Specific Plating Company, Inc.  
Thanne Cox, EPA ORC  
Linda Ketellapper, EPA  
Kate Taylor, EPA

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:
  - (a.) clearly identify the portions of the information alleged to be entitled to confidential treatment;

- (b.) the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- (c.) measures taken by you to guard against the undesired disclosure of the information to others;
- (d.) the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e.) pertinent confidentiality determinations, if any, by EPA or other federal agencies and a copy of any such determinations or reference to them, if available; and
- (f.) whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and, if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40.C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.  
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California  
Environmental Protection Agency

Science Applications International Corporation  
EPA Contract Number GS-10F-0076J

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term "you" or "Respondent" should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture or other entity.
3. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge.
4. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term "documents" includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control or known by you to exist, including originals, all prior drafts and all nonidentical copies.

## ENCLOSURE B: QUESTIONS

1. Explain the nature of the business relationship between Associated Plating Company, Inc. and Specific Plating Company, Inc.
2. Provide copies of all documents relating to the business relationship and/or corporate affiliation between Specific Plating Company, Inc. and Associated Plating Company, Inc., including, but not limited to, the Strategic Alliance Agreement and any partnership agreements between Specific Plating Company, Inc. and Associated Plating Company, Inc.
3. Has Associated Plating Company, Inc. purchased any assets of or assumed any liabilities for Specific Plating Company, Inc.? If so, please provide copies of all documents related to such purchase and/or assumption.
4. Has Associated Plating Company, Inc. explicitly or impliedly assumed any environmental liability for Specific Plating Company, Inc. regarding the Omega Superfund Site? If so, please provide copies of all documents related to such assumption.
5. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any part of this information request or who may be able to provide additional responsive documents, please identify such persons, including their full legal names, last known addresses, social security numbers and telephone numbers.
6. Please identify those individuals who assisted in the preparation of this Information Response. For each individual, provide the following: full legal name, current or last known address, social security number, telephone number, dates of employment and current and former job titles.

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<b>Tracking number</b>	676121413448	<b>Reference</b>	06-5026-01-0506
<b>Signed for by</b>	G.ALVAREZ		-000
<b>Ship date</b>	Oct 27, 2004	<b>Delivery location</b>	SANTA FE SPRINGS,, CA
<b>Delivery date</b>	Oct 28, 2004 9:13 AM	<b>Delivered to Service type</b>	Shipping/Receiving Standard Envelope 0.5 lbs.

**Status** Delivered

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Reduce future mistal  
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Date/Time	Activity	Location
<b>Oct 28, 2004</b>	9:13 AM <b>Delivered</b>	SANTA FE SPRINGS,, CA
	8:16 AM On FedEx vehicle for delivery	SANTA FE SPRINGS, CA
	7:50 AM At local FedEx facility	SANTA FE SPRINGS, CA
	4:24 AM Departed FedEx location	OAKLAND, CA
	4:16 AM Arrived at FedEx location	LOS ANGELES, CA
<b>Oct 27, 2004</b>	8:53 PM Left origin	OAKLAND, CA
	7:10 PM Package data transmitted to FedEx	
	4:57 PM Picked up	OAKLAND, CA

Details

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